

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Michael Terpin,

Plaintiff,

ORDER

-against-

20 Civ. 3557 (CS) (AEK)

Ellis Pinsky, et al.,

Defendants.

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THE HONORABLE ANDREW E. KRAUSE, U.S.M.J.

During the status conference held on April 29, 2022, Plaintiff's counsel raised an issue concerning an e-mail provided to him by William Brodsky, Esq. It is the Court's understanding that Mr. Brodsky has requested that Plaintiff's counsel return the e-mail to Mr. Brodsky, destroy any copies of the e-mail, and not make any further use of the e-mail for any purpose. Plaintiff's counsel has asked the Court to determine whether he must return the document to Mr. Brodsky and whether the document can be used in this litigation. In order to resolve this issue, the Court hereby orders as follows:

- (1) By May 6, 2022, Plaintiff's counsel must file a letter of no more than five pages setting forth Plaintiff's arguments for why the e-mail provided to him by Mr. Brodsky should be allowed to become part of the discovery record in this case. Plaintiff's filing must attach a copy of the e-mail in question as an exhibit.
- (2) By May 20, 2022, Mr. Brodsky must file a responsive letter setting forth his arguments for why the e-mail should be returned and destroyed, including the legal basis for this request.

Because of the Court's limited understanding of the potential privilege issues associated with the e-mail in question, **all documents filed in response to this Order are to be filed under seal and are to refer to this Order as the basis for the sealing request.**

Plaintiff's counsel is directed to serve a copy of this Order on Mr. Brodsky by electronic mail and first class mail or faster paper delivery service no later May 2, 2022, and to file proof of such service on the docket.

Dated: April 29, 2022
White Plains, New York

SO ORDERED.

A handwritten signature in black ink, appearing to read "Andrew Krause", written over a horizontal line.

ANDREW E. KRAUSE
United States Magistrate Judge